

EXHIBIT 2

#5864216v1

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

Case No. 22-cv-03618

-----X
YE MING HUANG

on their own behalf and on behalf of others similarly situated

Plaintiffs,

v.

BAI WEI LLC

d/b/a Bai Wei

Defendants.

**SUPPLIMENTAL
AFFIDAVIT OF YE MING
HUANG IN SUPPORT OF
PLAINTIFF'S MOTION
FOR CONDITIONAL
COLLECTIVE
CERTIFICATION**

I, YE MING HUANG being duly sworn and under penalty of perjury, deposes and states as follows:

1. I am a resident of New Jersey, and I am over 18 years of age.
2. I have personal knowledge of the matters stated below.
3. I am also a Plaintiff in the related case, *Huang et al v. Sakura Mandarin Inc et al*; 21-cv-03757 (Hereinafter referred to as the “21-cv case”).
4. In the 21-cv case, I have previously moved for Conditional Collective Certification and submitted an affidavit in Support of my motion. *See Exhibit 4.*
5. Your Honor denied my request for conditional certification in the 21-cv case and now I move for Conditional Collective Certification in this matter because I can successfully show beyond my Affidavit that I filed in the 21-cv case that I was similarly situated with other employees at Defendants restaurant.
6. I have documentary evidence along with my affidavit that I submitted in the 21-cv case to show Your Honor and the court that I was similarly situated as to other workers at Defendants’ restaurant at 1038 Race Street, Philadelphia, PA 19107.

Everyone Worked the Same Schedule

7. Throughout my employment with Defendants JACK CHEN and WEN HE WANG, each restaurant worker at 1038 Race Street, Philadelphia, PA 19107 worked the same schedule.

8. I can show this through Plaintiffs' Document Production 43 and 44, annexed hereto as Exhibit 6. I recognize both schedules as schedules are put up by my manager/ owner JACK CHEN.

9. Turning to **page 1 of Exhibit 6, or Document Production 43**: said schedule covers a period of half a month, from September 1 through September 15, with the first column running down as the dates (written as 9/1 (Chinese character for "Two" indicating a Tuesday), 9/2 (Chinese character for "Three" indicating a Wednesday), 3 (Chinese character for "Four" indicating a Thursday), 4 (Chinese character for "Five" indicating a Friday), 5 (Chinese character for "Six" indicating a Saturday), 6 (Sunday), 7 (Monday), 8 (Tuesday), 9 (Wednesday), 10 (Thursday), 11 (Friday), 12 (Saturday), 13 (Sunday), 14 (Monday), 15 (Tuesday)).

10. The first row lists the names or nicknames of my coworkers, who worked in the kitchen: Xiao He, Lao Zheng, Xiao Guo, Xiao Long, Wu Jie, Hao, Huang Xue Le, Wang Jun, Lao Huang, myself, He Shen and Xi Wan.

11. The checkmarks indicate on the day that a coworker worked, while an X or the Chinese word for "Rest" indicates a day off.

12. Turning to the second column, Xiao He, the checkmarks and the Chinese character for the word rest indicated that Xiao He worked continuously from September 1 (a Tuesday) through September 6 (a Sunday) (indicated by the checkmark), had one day off on

September 7 (a Monday) (indicated by the Chinese character for “Rest”), worked continuously from September 8 (a Tuesday) through September 13 (a Sunday) (indicated by the checkmark), had one day off on September 14 (a Monday) (indicated by the Chinese character for “Rest”), then worked on September 15 (a Tuesday) (indicated by the checkmark). This is consistent with Xiao He working 6 days a week, with Mondays off.

13. The third column, Lao Zheng, the checkmarks and the Chinese character for the word “rest” indicated that Lao Zheng Long worked on September 1 (a Tuesday), did not work on September 2 (a Wednesday), then worked from September 3 (a Thursday), through September 8 (a Tuesday) (indicated by the checkmark), was supposed to have one day off on September 9 (a Wednesday) (indicated by the Chinese character for “Rest”, but then a check is marked through it), but instead worked continuously from September 9 (a Tuesday) through September 15 (a Tuesday) (indicated by the checkmark). This is consistent with Xiao Long working 6 days per week with Wednesday off.

14. The fourth column, Xiao Long, the checkmarks and the Chinese character for the word “rest” indicated that Xiao Long on September 1 and 2, did not work on September 3 (a Thursday), then worked from September 4 (a Friday), through September 9 (a Wednesday) (indicated by the checkmark), was supposed to have one day off on September 10 (a Thursday) (indicated by the Chinese character for “Rest”, but then a check is marked through it), but instead worked continuously from September 10 (a Thursday) through September 15 (a Tuesday) (indicated by the checkmark). This is consistent with Xiao Long working 6 days per week with Thursday off.

15. The fifth column, Wu Jie Long, the checkmarks and the Chinese character for the word “rest” indicated that Wu Jie Long did not work on September 1 (a Tuesday), worked

September 2 (a Wednesday) through September 7 (a Monday) (indicated by the checkmark), was supposed to have one day off on September 8 (a Tuesday) (indicated by the Chinese character for “Rest”, but then a check is marked through it), but instead worked continuously from September 8 (a Thursday) through September 14 (a Monday) (indicated by the checkmark), and had a day of rest on September 15 (a Tuesday) (indicated by the Chinese character for “Rest”). This is consistant with Wu Jie Long working 6 days per week with Tuesday off

16. The sixth column, Hao, the checkmarks and the X indicated that Hao did not work on Septembe 1 (a Tuesday), then worked from September 2 (a Wednesday), through September 7 (a Monday) (indicated by the checkmark), had one day off on September 8 (a Tuesday) (indicated by the Chinese character for “Rest”, and a X marked through), and then worked from September 9 (a Wednesday) through through September 13 (a Sunday) (indicated by the checkmark), then had two days off on September 14 and 15 (indicated by the X). This is consistant with Hao working 6 days per week with Tuesday off

17. The seventh column, Wang Jun, the checkmarks and the Chinese character for the word “rest”, along with the X indicated that Wang Jun worked on Septembe 1 (a Tuesday), did not work on September 2 and 3(Wednesday and Thursday), then worked from September 4 (a Friday), through September 6 (a Sunday) (indicated by the checkmark), then had off on September 7 (a Monday) (indicated by the Chinese character for “Rest”), then wokred September 8 and 9 (Tuesday and Wednesday) and had off the rest of the time after September 10 (indicated by the Chinese character for “Rest”).

18. The eighth column, Lao Huang (“Old Huang”), the checkmarks and the X indicated that Lao Huang (“Old Huang”) did not work on Septembe 1 (a Tuesday), then

worked from September 2 (a Wednesday), then did not work again on September 3 (a Thursday) (indicated by the X), then worked from September 4 (a Friday) through September 13 (a Sunday) (indicated by the checkmark), then had two days off on September 14 and 15 (Monday and Tuesday) (indicated by the X).. This would be consistent with Lao Haung working five days with two days off per week.

19. The bottom of the messages states from September 1 restore to original Work Start and Work End Schedule. Monday through Thursday Plus Sunday Evening Time 10:30; Friday and Saturday Off Work Time 11; Morning Time Start Time 11:00.

20. Turning to **page 2 of Exhibit 6, or Document Production 44**; said schedule covers a period of half a month, from May 1 through May 15, with the first column running down as the dates (written as 5/1 (Chinese character indicating a Friday), 5/2 (Chinese character indicating a Saturday), 3 (Chinese character indicating a Sunday), 4 (Chinese character indicating a Monday), 5 (Chinese character indicating a Tuesday), 6 (Wednesday), 7 (Thursday), 8 (Friday), 9 (Saturday), 10 (Sunday), 11 (Monday), 12 (Tuesday), 13 (Wednesday), 14 (Thursday), 15 (Friday)).

21. The first row lists the names or nicknames of my coworkers, who worked in the kitchen: Huang Yu, Lao Zheng, Xiao Long, Wang Jie, Xi Wan and Lao Lin

22. The second row, the first employee, the checkmark and the Chinese character for “rest” indicate that, first employee worked May 1 and 2 (Friday and Saturday), then had a day off on May 3 (a Sunday) (indicated by the Chinese character for “rest”), then worked from May 4 (a Monday) through May 9 (a Saturday) (indicated by the Checkmark), then had a day off on May 10 (a Sunday) (indicated by the Chinese character for “rest”), then worked

from May 11 (a Monday) to May 15. This would be consistent with the first employee working six days per week and having Sundays off.

23. The third row, the second employee, the checkmark and the Chinese character for “rest” indicate that, second employee worked May 1 through May 12 (indicated by the checkmarks), then had a day off on May 13 (a Wednesday) (indicated by the Chiense character for “rest”), then worked from May 14 and 15 (indicated by the checkmarks). This would be consistent with the second employee working six days per week and having Wednesdays off.

24. The fourth row, the third employee, the checkmark and the Chinese character for “rest” indicate that, third employee worked May 1 (a Friday) through May 3 (a Sunday) (indicated by the checmarks), then had a day off on May 4 (a Monday) (indicated by the Chiense character for “rest”), then worked from May 5 (a Tuesday) through May 10 (a Sunday) (indicated by the Checkmark), then had a day off on May 11 (a Monday) (indicated by the Chinese character for “rest”), then worked from May 12 (a Tuesday) to May 15. This would be consistent with the third employee working six days per week and having Mondays off.

25. The fifth row, the fourth employee, the checkmark and the Chinese character for “rest” indicate that, first employee worked May 1 (a Friday) through May 5 (a Tuesday), then had a day off on May 6 (a Wednesday) (indicated by the Chiense character for “rest”), then worked from May 7 (a Thursday) through May 12 (a Tuesday) (indicated by the Checkmark), then had a day off on May 13 (a Wednesday) (indicated by the Chinese character for “rest”), then worked from May 14 (a Thursday) to May 15. This would be consistent with the fourth employee working six days per week and having Wednesday off.

26. The sixth row, the fifth employee, the checkmark and the Chinese character for “rest” indicate that, first employee worked May 1 (a Firday) to May 4 (a Monday), then had a day off on May 5 (a Tuesday) (indicated by the Chiense character for “rest”), then worked from May 6 (a Wednesday) through May 11 (a Monday) (indicated by the Checkmark), then had a day off on May 12 (a Tuesday) (indicated by the Chinese character for “rest”), then worked from May 13 (a Monday) to May 15. This would be consistent with the fifth employee working six days per week and having Tuesday off.

27. The seventh row, the sixth employee, the checkmark and the Chinese character for “rest” indicate that, first employee worked May 1 and 2 (Friday and Saturday), then had a day off on May 3 (a Sunday) (indicated by the Chiense character for “rest”), then worked from May 4 (a Monday) through May 9 (a Saturday) (indicated by the Checkmark), then had a day off on May 10 (a Sunday) (indicated by the Chinese character for “rest”), then worked from May 11 (a Monday) to May 15. This would be consistent with the first employee working six days per week and having Sundays off.

28. There was no different times that each worker came but everyone arrived at the same time and left at the same time.

29. Further, we always had to come before the restaurant opened, no one would ever leave early or take breaks during the day but would work throughout the day.

30. Further, as the court can conclude from the two schedules that I presented, everyone always got one day off per week.

Defendants Failed to Keep Accurate Records of my and my co-workers records

31. In addition to everyone having the same schedule as me, I know that defendant failed to keep accurate records of my and my co-workers pay.

32. I know this because at all times during my employment I was paid in cash via an envelope or just in my hand. *See Exhibit 8, Document Production 6, 7, 10-24, 35 and 36.*

33. Document Production Page 6 and 7 both show my half monthly payment in the amount of \$2,100.00 that I received every half month.

34. Additionally Document Production Page 10 through 24 all show my half monthly payment in the amount of \$2,100 that I received every half month.

35. Document Production Page 35 is a slip of paper that has my name and the pay I received (\$1867.00) for the later half of the month of October 2020. Additionally, the last line is the day that I got the payment which was November 3, 2020.

36. Document Production Page 36 is payment as I would receive it everytime the defendants did not have an envelope for my money. There Chinese characters on the slip of paper is my name and the number is the \$2,100.00 that I received every half month from the defendants.

37. As the court can see from my document production, I was usually paid every half month my wages.

38. Further, I was never given a paystub that reflected my weekly wages but only provided an envelop with cash (Document Production 6, 7, 10-24) or bundle of cash (Document Production 35 and 36).

39. I was not the only employee of defendants that was compensated like this but all the workers of defendants were compensated the same way that I was.

40. I sincerely hope that this Court would allow me to represent the interest of my coworkers in this action. The Defendants exploited me and my coworkers, and it is my hope that we will be permitted to recover wages that we are owed.

41. This document has been translated to me in my native language of Chinese, and I fully comprehend the contents

DECLARATION UNDER 28 U.S.C. § 1746

STATE OF MASSACHUSETTS)

)

COUNTY OF QUINCY)

I told Tiffany Troy what to write in my affidavit on February 10, 2023 in Mandarin Chinese language. Tiffany Troy wrote down what I said in English. Tiffany Troy then translated the English affidavit back to me in Mandarin Chinese language. I told Tiffany Troy that I fully comprehend the contents of the document. I have signed it as it was translated to me in Mandarin Chinese language.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that the truth and accuracy of each statement of my Affidavit in Support of Motion for Conditional Collective Certification.

Executed on: February 10, 2023

Ye Ming Huang

Ye Ming Huang